

Notice of Allowability

Application No.

10/603,958

Applicant(s)

BAKER ET AL

Examiner

Art Unit

Sheela Rao

2125

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 5/20/05.
2. ☒ The allowed claim(s) is/are 1, 2, 4-19, 21-28 renumbered as 1-26.
3. ☒ The drawings filed on 25 June 2003 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying Indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 5/24/05
- ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
- ☐ Examiner's Amendment/Comment
- ☒ Examiner's Statement of Reasons for Allowance
- ☐ Other _____


ALBERT W. PALADINI
PRIMARY EXAMINER

DETAILED ACTION

1. Applicant's amendment filed on 20 May 2005 in response to the Office action has been entered and considered.
2. As per the amendment dated May 20, 2005, claims 1, 2, 4-19, 21-28 are pending and presented for examination. Claims 3 and 20 have been cancelled.
3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Response to Amendment

4. The objection made to the drawings is ***withdrawn*** in light of the explanation given for the previously stated objections.
5. The objection made to the specification is ***withdrawn*** in light of the explanation given for the previously stated objections.
6. The rejection of claim 17 under 35 USC §112, second paragraph, is ***withdrawn*** in light of the amendments made to the instant claim.
7. The rejection of claims 1-28 under 35 USC §103(a) as being unpatentable over USPN 6,719,565 to Saita et al. is ***withdrawn*** in light of the amendments made to the instant claims and the Applicant's stated arguments. Examiner, however, asserts that the date of the Saita reference is proper as the effective filing date of the prior art is June 22, 2001 which is more than one year before the foreign priority date of the instant application.

Allowable Subject Matter

8. Claims 1, 2, 4-19 and 21-28 allowed. These claims are renumbered 1-26.

9. Applicant's arguments, filed 20 May 2005, with respect to claims 1-28 have been fully considered and are persuasive. The objections/rejections of claims 1-28 has been withdrawn as aforementioned.

10. The following is an examiner's statement of reasons for allowance:

The references of prior art fail to teach a method or system that quickly and simply predicts the results of coloration of a substrate with a specific product, as stated by the Applicant. Furthermore, the prior arts fail to teach or fairly suggest a system and method which comprises a micro-processing system with a means for inputting information regarding the coloring product and information relating to the initial color of the substrate wherein the means is an electro-mechanical device capable of transforming a stimulus selected from movement or pressure into an electronic signal along with a displaying means. The system as claimed is even more advantageous in that it is available for use at the point of sale or purchase.

The limitations of claims 1 and 18, in combination with the other elements and features of the instant invention are not taught, disclosed, or fairly suggested by the prior arts record. Thereby, rendering claims 1, 2, 4-19 and 21-28 patentable as being novel and/or non-obvious over the references of prior art.

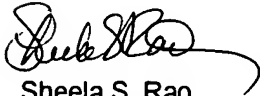
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

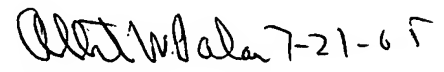
Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheela Rao whose telephone number is (571) 272-3751. The examiner can normally be reached Monday - Friday from 8:30 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard, can be reached on (571) 272-3749. The fax number for the organization where this application or any proceeding papers is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. It should be noted that status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should any questions arise regarding access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Sheela S. Rao
July 20, 2005


ALBERT W. PALADINI
PRIMARY EXAMINER